

Remarks

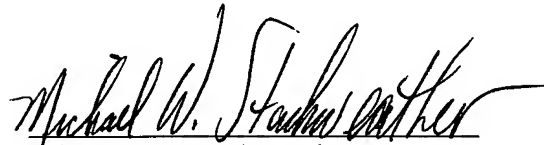
Applicant thanks the Examiner for the Written Office Action. In particular, Applicant thanks the Examiner for the additional art references. Also, Applicant thanks the Examiner for noting the antecedent basis issue in Claim 1.

With regards the substantive portion of the Written Office Action, Claim 1 is objected to as including a term lacking an antecedent basis. Further, Claims 1-2 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cho (US 6,055,699). Still further, Claims 3-6 and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cho in view of Haynie (US 6,266,892).

In response to the Examiner's Office Action, the following Response is provided. Claims 1 – 9 have been canceled. New Claims 10 – 27 have been added. Paragraphs 25 and 32 of the specification have been replaced.

For these reasons, it is believed that none of the prior art teaches the claimed invention. Furthermore, it is believed that the foregoing amendment has adequate support in the specification, and accordingly there should be no new matter. Applicant believes the pending claims have addressed each of the issues pointed out by the Examiner in the Office Action. In light of the foregoing amendment, the claims should be in a condition for allowance. Should the Examiner wish to discuss any of the proposed changes, Applicant again invites the Examiner to do so by telephone conference.

Respectfully Submitted,

A handwritten signature in black ink, reading "Michael W. Starkweather". The signature is fluid and cursive, with the first name "Michael" and last name "Starkweather" clearly legible.

Michael W. Starkweather
Registration No. 34,441
Attorney for Applicant

Date: February 14, 2005

Michael W. Starkweather
Starkweather and Associates
9035 South 1300 East
Suite 200
Sandy, Utah 84094
Telephone: 801/272-8368

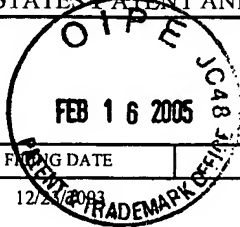
Amendments to the Drawings

None



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,930	12/21/2003	Dale S. Jensen	3016.2.3	9008

7590

11/15/2004

Michael W. Starkweather
Suite 600
8 East Broadway
Salt Lake City, UT 84111

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3749

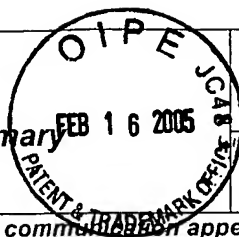
DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED ✓

22 Nov 2004

Office Action Summary



Application No.

10/743,930

Applicant(s)

JENSEN ET AL.

Examiner

Stephen Gravini

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20041223.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 1 is objected to because the fabric recitation lacks an antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Cho (US 6,055,699). Cho is considered to disclose the claimed device comprising:

a first surface **48** coupled to the device;

a second surface **56** coupled to the device and configured to penetrate fabric;

and

an extraction slot **50** formed by the first and second surface. Cho is also considered to disclose the claimed carpeted surface or fabric (column 1 lines 13-25) and wherein the first surface further comprises a plurality of channels extending toward the extraction slot, the plurality of channels configured to force liquid towards the extraction slot (column 5 lines 11-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3749

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Haynie (US 6,266,892). Cho is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed V-shaped cross section and substantially circular or rectangular with rounded edges.

Haynie is considered to disclose a V-shaped cross section in figure 2 and a substantially circular or rectangular with rounded edges in figure 8. It would have been obvious to one skilled in the art to combine the teachings of Cho, with the V-shaped cross section and substantially circular or rectangular with rounded edges, considered disclosed by Haynie for the purpose of optimally streamlining a vacuum head device for removing a greater percentage of fluids from a desired surface.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References B-G, cited in this action are considered to disclose surfaces coupled to a device for fluid extraction.

Art Unit: 3749

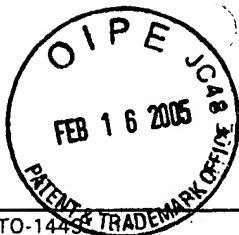
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 703 308 7570. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 703 308 1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Smg
November 3, 2004

Stephen Gravini



FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	SERIAL NO. Not yet assigned	ATTORNEY DOCKET NO. 3016.2.3
	FILING DATE December 18, 2003	GROUP ART UNIT
	APPLICANT(S): Dale S. Jensen, et al.	

REFERENCE DESIGNATION
U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
Sing	A1	4,000,538	01/04/77	Tissier	15/320	03/10/75
Sing	A2	4,095,309	06/20/78	Sundheim	15/320	09/25/75
Sing	A3	4,182,001	01/08/80	Krause	15/320	02/06/78
Sing	A4	4,270,238	06/02/81	Shallenberg et al	15/321	07/18/79
Sing	A5	4,391,017	07/05/83	Bruensicke	15/313	12/28/81
Sing	A6	4,677,705	07/07/87	Schuster	15/398	03/17/86
Sing	A7	4,692,959	09/15/87	Monson	15/320	03/11/86
Sing	A8	5,463,791	11/07/95	Roden	15/320	09/01/94
Sing	A9	59,920,516	11/30/99	Salehibakhsh	34/638	07/23/98
Sing	A10	6,266,892	07/31/01	Haynie	34/84	07/17/00
Sing	A11	6,298,577	10/09/01	Haynie	34/84	07/19/99

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION	
						YES	NO

NON-PATENT DOCUMENTS

EXAMINER <i>Stephen M. Shavin</i>	DATE CONSIDERED <i>11-3-04</i>
---	--

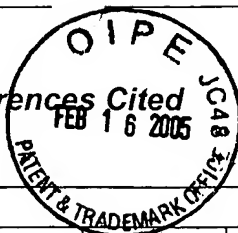
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

EXAMINER INITIAL		DOCUMENT (Including Author, Title, Source, and Pertinent Pages

EXAMINER <i>Stephen M. Gamm</i>	DATE CONSIDERED <i>11-3-04</i>
------------------------------------	-----------------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).

Notice of References Cited



Application/Control No.

10/743,930

Applicant(s)/Patent Under

Reexamination
JENSEN ET AL.

Examiner

Stephen Gravini

Art Unit

3749

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,055,699	05-2000	Cho, Sung K.	15/321
	B	US-5,555,598	09-1996	Grave et al.	15/322
	C	US-3,775,053	11-1973	Wisdom, Dorothea R.	8/142
	D	US-5,105,503	04-1992	Holland, John A.	15/322
	E	US-6,243,914	06-2001	Studebaker, Roy	15/322
	F	US-6,560,818	05-2003	Hasko, John M.	15/321
	G	US-6,568,024	05-2003	Kent et al.	15/322
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.